

REGULAR MEETING

April 19, 1999

CALL TO ORDER:

The regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, On Monday, April 19, 1999, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Forrest Soth, Wes Yuen, Dennis Doyle and Cathy Stanton. Coun. Evelyn Brzezinski was excused. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Human Resources Director Sandra Miller, Police Chief David Bishop, Library Director Shirley George, Deputy City Recorder Sue Nelson and City Recorder Darleen Cogburn.

Mayor Drake noted that the Tobacco Free Coalition had requested an opportunity to present information to Council in a work session format. He explained the ground rules for the work session that evening and said there would be no opportunity for public testimony. He stated that Council could hold a public hearing at a later date, and there would be ample public notice. He explained that Council would not make a decision that evening and could follow one of two options: schedule a public hearing or, just thank the presenters without additional follow-up.

CITIZEN COMMUNICATION:

Henry Kane, 12077 SW Camden Lane, noted Metro would conduct a public hearing on Wednesday April 21, 1999, on the proposed Miller Garbage franchise transfer. He said the language of the proposed transfer was such that they would be able to truck in garbage in small trucks and reload it into larger trucks. He expressed his hope that the City would take action that if there was conflict between the franchise and the conditional use permit (CUP), the terms of the CUP would prevail. He reported that they expected to get the LUBA appeal decision on February 10, but there had been a delay.

COUNCIL ITEMS:

Coun. Soth announced that Friday April 23, from 10:00 a.m. to 1:00 p.m. the Senior Citizen Advisory Committee was sponsoring a Senior

Healthcare Workshop in the Council Chambers at City Hall. He said he thought it would be very worthwhile and reported that the Senior Citizens Committee had worked hard on it.

Coun. Soth said there were two open houses scheduled to discuss the Urban Services Boundary between Hillsboro and Beaverton. He announced the open houses would be on May 17 between 5:00 and 8:00 p.m. at Westview High School, and on May 20, from 5:00 to 8:00 at Aloha High School. He said there would be more information in the newspaper and urged people to attend.

Coun. Stanton told Police Chief Bishop that she enjoyed the bulletin that they regularly received and especially appreciated the bulletin from the past week.

STAFF ITEMS:

Linda Adlard, Chief of Staff, said regarding Kane's comments, they had received some inquiries regarding Miller Sanitary and the CUP. She noted the City continued to take the position that the CUP would rule in the case, and if there was any other information, the City would like to hear it.

Adlard also reported that the Red Light 'Red Means Stop' Informational Campaign was going well and the City had received their first grant for \$125,000. She noted the City had been encouraged by the State to apply for a full year grant for the next year. She reported that Hibbits and Assoc. had completed a survey on how citizens in Beaverton felt about the issue and noted that citizens felt it should be statewide.

PROCLAMATION:

April as Arbor Month

PRESENTATION:

99-113 Presentation of Shields and Swearing In of New officers to the Beaverton Police Department

Mayor Drake noted that when police officers were hired, they were sworn in at a Council meeting.

Chief Bishop reported that the past week there had been some 'changing of the guard,' where new commanders had been sworn in to replace those who were retiring. He said the officers being sworn in that night were referred to as 'the new guard.'

Chief Bishop issued the oaths to new officers: Jason Buelt, Chadwick Opitz, Mayishna Sashayvich, Jon Shields, Charles Wujcik, and Aaron Oberst.

Mayor Drake presented the shields.

Bishop expressed his appreciation for the support of the families and friends who came that evening and congratulated the new officers.

Jessica Hamilton from Congressman Wu's office said the Congressman sent his congratulations to the new officers in a letter which she presented to them individually.

RECESS:

Mayor Drake called for a recess at 6:55 p.m.

RECONVENED:

The regular meeting reconvened at 6:59 p.m.

CONSENT AGENDA:

Mayor Drake advised Council that Agenda Bill 99-107 was pulled from the consent agenda and would be considered at the meeting on May 3, 1999.

Coun. Soth MOVED, SECONDED by Coun. Doyle, to approve the Consent Agenda as follows:

- 99-114 Liquor License Renewals - Annual Renewals: Uptown Market; Pollo Rey; Zupan's Market, Pizza Hut
- 99-115 Liquor Licenses – Change of Ownership: Sunset Store & Deli; Lamthong Restaurant
- 99-116 Traffic Signal Technician and Traffic Maintenance Supervisor Salary Level Allocations

Contract Review Board:

- 99-107 Contract Award – Selection of Library Project Manager (carried from 4/12/99) (Continued to 5/3)

Question called on the motion. Couns. Yuen, Doyle, Stanton, and Soth voting AYE, motion CARRIED. (4:0)

Work Session:

- 99-117 Washington County Tobacco Free Coalition

Mayor Drake reminded those in attendance that public testimony would not be taken that evening and Council could decide to do nothing, or they could decide to hold a public hearing.

Dr. Marshall Goldberg, a specialist in preventative Medicine at the Beaverton Kaiser Permanente Medical Clinic, 4155 SW Western Ave., addressed City Goal 5, and Goal 7, and urged Council to pass a smoke-free workplace ordinance. He said it would protect people from the health issues related to secondhand smoke. He noted that if any other product caused as much indoor air pollution, environmental agencies would insist on tighter regulations and extensive and expensive corrections. He asked why the same standards were not applied to cigarettes, which were the biggest single source of preventable illness and preventable death today.

Goldberg explained that Tobacco smoke contained 5000 chemical compounds, among them at least 50 carcinogens. He said the cancer death rate from secondhand smoke was higher than the cancer death rate from all of the following Environmental Protection Agency regulated risks: indoor air pollutants such as arsenic, asbestos, and numerous others. He noted that those were regulated in the workplace, and second-hand smoke was not regulated. He said secondhand smoke could combine with other carcinogens and cause an increase in illness, loss of work and death. He commented that restaurant workers were especially susceptible at a rate of three to five times higher than other workers, since they breathe the equivalent of 1.5 packs of cigarettes per day. He described voluntary smoke free policies as totally inadequate in protecting servers and bar workers from the hazards of secondhand smoke. He said he personally worked with patients who, as employees, suffered from a higher risk of the effects of secondhand smoke, and that included people with chronic lung disease, asthma, abnormal immune systems and diabetes, etc. He concluded by saying that this was an ordinance whose time had come and over 100 Washington County physicians supported smoke free workplace ordinances. He referred to an editorial in the *Valley Times* entitled 'Time for Cities to Ban Smoking' which stated it was time for cities to draw a line in the sand and say that citizen and employee health rights were worth protecting and achieved by banning smoking in local workplaces. He thanked the Council for their time and attention.

Diane Laughder, 10436 SW Sichel Ct., Portland, said she was the tobacco prevention coordinator for Washington County. She clarified the Oregon Indoor Clean Air act passed in 1981 (in the record), and reviewed the Act. She said in the 18 years since then there were fewer smokers and now there was even more evidence that secondhand smoke was hazardous. She said the intent of the law was to separate smokers from non-smokers and thus reduce but not eliminate involuntary exposure to secondhand smoke. She used the analogy of a swimming pool and said you could not have just one end of the pool chlorinated because the chlorine went into the whole pool and it was the same with secondhand smoke filling up a whole room. She reported there were no safe levels of exposure to secondhand smoke and because of this, stronger laws were needed to protect the public health. She noted that on the back of the sheet she gave to Council there was a list of other smoking restrictions in Oregon.

Laughder said there was a huge amount of public support (in record) for this kind of ordinance and 89% of voters who voted in the last two of four elections agreed that secondhand smoke was a health hazard, and 85% favored an ordinance in the City of Beaverton. She noted that 74% would favor an ordinance that would prohibit all smoking in all restaurants, and 44% favored an ordinance that would prohibit all smoking in bars and taverns. She commented that 23% of respondents said they would go to restaurants more often if they were smoke free. She reported that since California had passed the ordinance, they had seen a huge increase in the number of people going into bars and restaurants.

Coun. Soth asked if there had been any citation by the Washington County Health Department on any given establishment on this type of environmental concern.

Goldberg said he did not know of any and there was no statutory basis for any regulatory agent to come into a work environment to declare it unsafe.

Coun. Soth asked if this was covered by an ordinary sanitary inspection of bars, restaurants and other places.

Goldberg said he did not believe any of the secondhand smoke issues were covered in such sanitary standards.

Coun. Soth commented that at the current point in time it was not a violation of any health standard.

Goldberg said that was correct.

Coun. Soth asked if the legal status was still the Oregon law from 1981 which referred to separate accommodations needed in certain instances.

Laughder replied that was correct.

Coun. Stanton asked about the statistics and asked if the pie chart was only 85% of the 89%.

Laughder said that was correct.

Coun. Doyle asked for a definition of restaurants meeting mechanical air filtration standards.

Laughder said she thought that definition was unclear.

Coun. Stanton referred to No. 6 on the green sheet (in record) and asked if that meant they had to have a designated smoking area.

Laughder replied that was her point, she said they could just have some tables off to the side, but the rules were very weak.

Coun. Stanton said if the mechanical air filtration standard was not being met, then there should not be a smoking section, but smoking would be allowed in public places if the mechanical air filtration were up to standard.

Laughder said most restaurants could have a designated smoking area, but the whole restaurant could not be entirely a smoking area.

Todd Shetterly, 0330 SW Curry St., Portland, said he worked for the American Cancer Society (ACS) as the Community Education Director, and had an interest in this issue throughout the Tri-county area. He said the ACS was very interested in pursuing enactment of smoke free workplace ordinances as a public health measure since both primary and secondary smoke were hazardous to the health. He reported that teenagers worked in a disproportionate number in the food service industry and it was a workplace which was least likely to have voluntary smoke free policies. He commented that having all workplaces smoke free would protect teens from the toxic effect of secondhand smoke. He said teenagers model adult behavior, and seeing adults smoking gave them the idea that it was all right to smoke. He pointed that the positive effects on the community of a smoke free environment would protect people with asthma and bronchitis, and should reduce disease and such things as Sudden Infant Death Syndrome. He commented it was ACS's strong feeling that communities were stronger when the people were healthy.

Katharine Leonard, 12880 SW Glen Haven St., Portland, said she was a food server at a Beaverton family restaurant and worked there four days a week in a smoke filled environment. She commented that when she would take a break, other employees were smoking, and she would go into the walk-in freezer to get a breath of fresh air. She reported that there were five teenagers who worked there, and one said she was not allowed to smoke at home but could at the restaurant. She noted that people asked why she did not find another job, but this was the only work she had done, she was not educated in a profession, and this job had great health benefits. She emphasized that she wanted to work and look after her family and she wanted to protect herself and others in the workplace.

Coun. Soth asked if there was any regulation, which required teenagers to seek employment in these places.

Leonard said it was voluntary.

Mayor Drake said one of the concerns of restaurants was if Beaverton became a smoke free oasis, people might cross over the City line and go into other cities or the County to dine in restaurants that allowed smoking.

Leonard reported that when they seat people there were always several families who left because of the smoke.

Mayor Drake said that was a thoughtful answer, but from the proprietors perspective it was alarming. He noted that an ordinance could not be passed that indicated if a business suffered because smoking customers would not frequent the non-smoking restaurant, then the restaurant would be given an exception to have a smoking section.

Leonard said that in California, where she used to work, there was no difference in business because of the non-smoking laws.

Coun. Soth asked if California had a statewide smoking law.

Shetterly said it was statewide, but had started city by city.

Bill Smith, 3410 SW Alice St., Portland, said he worked at the American Lung Association and was a member of the Washington Tobacco Prevention Coalition. He explained that ventilation standards and the Clean Indoor Air Act ought to be thrown out because no one had ever paid any attention to it. He noted that when people referred to legal standards they were talking about the American Society of Heating and Ventilation, which had set standards about proper air exchange. He stated that the American Society standards were considered not up to Environmental Environment Protection (EPA) standards, and the current thinking from the EPA was that the air-to-air exchange mixed the smoke in a smoking/non-smoking restaurant.

Smith said Goal 5 - to assure a safe and healthy community, was one of the reasons they were there that evening. He reported it was well known from various studies that there was a greater risk to those who worked for 8 to 10 hours surrounded by smoke. He referred to the effect on businesses and said the experience in this country had been that when a city or county went smoke-free, business fell off and then it almost immediately increased. He noted that once a community got to understand there were more smoke free bars and restaurants and other kinds of facilities to go to, the attendance became greater. He suggested a smoke free ordinance would be good for business and over three quarters of the population were asking smoke free workplaces. He noted that enforcement was a concern, but 99% of enforcement was publicly motivated. He explained that typically owners took the ashtrays away and put no-smoking signs up. He related that he had 215 signed cards from a survey taken in the Beaverton Mall that asked residents if they would support a non-smoking ordinance and offered to leave the cards with Council.

Coun. Soth said Smith had referred to Massachusetts and New York and asked if those were statewide areas.

Smith said they were some individual counties and cities. He related that the City of New York had such an ordinance.

Coun. Doyle asked what the plans were to take this statewide and why had it not happened.

Smith replied that medical societies and hospital associations had tried to make it a statewide law. He said many states had begun the effort on smoke free workplaces but it had not worked in most states. He commented it was because the tobacco industry was lobbying against smoke free environments with media campaigns.

Coun. Doyle said Oregon should be easier because of the initiative petition process.

Smith said the primary difficulty was cost. He explained it cost the health community \$350,000 to pass Ballot Measure 44 to raise the tobacco tax.

Coun. Stanton stated that \$350,000 was dirt cheap to pass a ballot measure. She asked about the survey concerning smokers and the proportion of smokers to non-smokers.

Smith said it was 75% non-smokers and 25% smokers.

Laughder reported that in Washington County 16% of adults smoked.

Coun. Soth referred to the initiative process Smith had talked about and asked if the campaign was after the ballot measure had been proposed.

Smith explained that the campaign was to tell the public why the ballot measure was out there and to dispel untruths by the tobacco industry.

Coun. Soth commented that if the percentage of people who favored a smoke free tobacco ordinance was as Smith indicated, then there should not be a problem in finding volunteers to get signatures on an initiative petition.

Smith replied that the majority of the money was spent on TV ads to tell the public what the issues were.

Mayor Drake remarked he had not smoked but grew up in a house where his mom smoked two packs a day. He said since the meeting in December he had been watching and had not noticed people smoking that much. He noted the Tobacco-Free Coalition had sent a lot of material, but again said he had not seen many people smoking in public. He said there obviously was a lot of choice as a citizen, and employees could go to work in another place. He said he thought there was a lot of pressure for employers to make people go outside to smoke and he did not think there was a lot of significant smoking going on other than in restaurants. He remarked there did not seem to be a lot of support for a smoke free ordinance from citizens, restaurants, bars and tavern owners.

Smith reported there were far fewer places that allowed smoking in the workplace than there were even five years ago. He said surveys done in several counties in the state said there were 14 -16% of the workers who were exposed to second-hand smoke and they felt the health of those workers was worth being concerned about. He commented that no matter how many restaurants had gone smoke free there were still a number of restaurants and most bars, which were not. He noted they had made a lot of progress but there was a ways to go.

Mayor Drake said he heard the message very well, but in his six years as Mayor, he had not had one person prior to the meeting that evening speak with him about smoking issues. He explained that over the years he had received dozens of letters, emails, etc. about many issues. He gave an example of citizens contacting City Hall by complaining about people driving too fast through neighborhoods, and hence the interest in photo radar and traffic enforcement. He said he knew at least five places in Beaverton where smoking was not allowed and he frequented those places because there was no smoking, but it was still his choice.

Smith reported that the American Lung and Hear Associations, as well as the Health Department did get smoking complaint calls, and gave an example of the kind of calls they received. He noted they got calls from people who had asthma who had to go in to work through a smoke filled room, thereby setting off an asthma attack. He said citizens did not know where to call, and were more likely to call somewhere that the word 'health' was attached to the name, such as the Washington County Department of Health, etc. He commented that he thought citizens would not know to call City Hall to complain.

Coun. Stanton referred to Smith's statement about non-smoking employees going across smoke filled rooms and asked what kind of job that would be.

Smith said the people he was thinking of a department store where employees were standing outside the door smoking.

Coun. Soth pointed out that if the entrance or entryway had been designated as the smoking area for that building, then smoke free would not apply to that area outside the building.

Smith referred to the smoking ban in the City of Corvallis and said smoking had been banned within a certain number of feet from the entrance doors.

Coun. Soth asked what the response had been from the Oregon Health Department.

Smith responded that the Health Department had urged the Heart, Lung and Cancer Associations to get to work.

Coun. Soth asked what the response was from the United States Public Health Service.

Smith responded that the United States Public Health Service had no law-making ability, but they took a stand that would support the issue. He said there was not a nationwide law and noted that someone tried to get OSHA to ban smoking in the workplace, but it was bogged down. He commented that if it was going to happen it would happen in the work place and local citizens would make the decision.

Coun. Yuen said a large part of the population was covered by the Clean Air Act and what they were asking was to cover the segment which were not covered by that Act. He asked if they had any sense of how many people who worked in that environment, were non-smokers.

Smith suggested that the percentage followed close to the state average of 75% non-smokers. He said he did not know of a study that actually did a provable count of people working in those industries.

Coun. Yuen replied that they should get those figures because he did not feel inclined to support a segment of the population where the risk factors were unknown. He said he had every reason in the world to despise the tobacco industry, and he did not know why anyone would work in such an environment. He said if they wanted his support they would need to provide statistical numbers, and explain the level of risk.

Coun. Doyle said Council had been contacted by people on both sides of the issue, and he asked what the answer was to business owners where 75-80% of their clientele smoked. He asked how would one tell them they should throw away a large percentage of their business and wondered why would they want to stop the smokers.

Smith note he had frequented smoking bars and would not agree that 75% of the customers smoked. He said in California, people were finding alternatives and the majority of bars were finding it was a very good way to do business. He stated they found that the number of cases of bronchitis went down in the bartenders in non-smoking environments.

Coun. Stanton said they were precluded by state law where pornographic book stores and strip bars were located and she asked if they were not also precluded from telling citizens they could or could not do something like this. She commented that the City heard from all sorts of people about all sorts of things they wanted changed, but she had not heard from citizens about the City becoming non-smoking. She suggested the citizens of Beaverton could do a citywide referendum if they wished. She commented that they needed some Beaverton people to make this happen because the people Council had heard from had a very negative response to the issue. She noted she would be uncomfortable creating an ordinance which would not allow people to smoke in their own home if they had a home occupancy business.

Smith explained that they were not talking about workplaces where you were the only person there, and noted that some would be exempt.

Mayor Drake recalled that the Council got an informational packet on smoking issues a few months ago from Smith.

Coun. Soth recounted that he had quit smoking 35 years ago, but had sisters who suffered the consequences of smoking. He said he had a problem with how far the Council had to go to protect the people from their own problems. He noted it was a matter of choice, and suggested if a person was working somewhere they should not have a problem changing jobs. He expressed his concern about the downturn of business in the process. He said he believed he had the choice whether or not to go into an establishment where there was smoking. He stated that he was not prepared to make that choice for anyone but himself and would much rather see it statewide, because it would be a similar impact over all localities. He said there was a big difference between Corvallis and Beaverton and it was an entirely different situation demographically.

Smith said in response, it would be better if it was a state law, but doubted it would happen within the next 10 years. He explained he had quit smoking and chose to not go to smoking restaurants, but also wanted to protect the health of employees that worked in smoky environments. He said they had an investment in the future and needed to show children that smoking in public was not an acceptable behavior and that it led to disease, early death and health care costs. He reiterated that those were the kinds of investments they were putting before everyone as they looked at the various choices of tobacco and anti-tobacco kinds of education and preventative ordinances.

Coun. Soth said he had done that within his own family.

Smith replied that maybe not everyone had the same good experiences with their family.

Mayor Drake thanked The Tobacco Free Coalition for their presentation. He commented he got the feeling from Council that they did not want to advance this to a public hearing. He noted that Coun. Brzezinski was not in attendance that evening but had said (based on the information she had prior to the meeting) she would not support going forward at that time. He stated he would not proceed any further with a smoking in the workplace ordinance at that time.

Coun. Stanton said she would encourage The Heart and Lung Associations and the other presenters to look at actually targeting a community at a local level. She advised citizens to do a referendum to get the issue on the ballot, and said this issue fell in the same category as pro-life/pro-choice and was fraught with various feelings. She said at that

point no one was forcing her to consider it, and it was too controversial; she suggested it be forced by generating it through the community.

Coun. Yuen said he found Coun. Stanton's feeling intriguing but did not agree. He commented that if Council thought it was something the voters should have a vote on, they could put it on the ballot, but did not encourage them to do that, and also did not think the City wanted to initiate a non-smoking ordinance on its own. He said he had alluded to the reason earlier in the meeting and explained that his parents smoked his entire childhood contributing to his near fatal asthma. He recounted they smoked until his mother was diagnosed with cancer and died, and his father passed away just a year and a half later. He commented that he could not impose his feelings on the citizens of the City, and believed (in reading through the material) that those who did not want to be in a smoking environment, were adequately protected. He said there seemed to be a conundrum for those who worked in bars, taverns and restaurants and for him to pass a non-smoking ordinance, he would have to have a compelling reason and that was why he asked for further information. He cited a large portion of the population who did not feel as he did, and said his heart wanted him to do it, but as a public policy person there was no compelling reason.

Ordinances:

First Reading:

Suspend the Rules:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the rules be suspended, and that the ordinances embodied in ABs 99-118 and 99-119, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Soth, Yuen, Doyle and Stanton voting AYE, motion CARRIED. (4:0)

Pilliod read the following ordinances for the first time by title only:

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|--------|--|
| 99-118 | An Ordinance Amending Ordinance No. 2050, the Zoning Map, From (CS) to (GC), For the Property Located at 8555 SW Canyon Road, Beaverton, (Tanner Rezone); RZ 980024 |
| 99-119 | An Ordinance Amending Ordinance No. 2050, the Development Code, to Add Minimum Density Zoning Regulations, In Addition to Other Related Amendments; TA 980012 (Minimum Density Zoning) |

Second Reading and Passage:

Pilliod referred to AB 99-80 and noted he had forgotten to return to Council a revised version of the ordinance, with the amendments that were specifically read at the last meeting. He read in to the record that section 4.20.040 had been changed to read "or in an existing franchise

agreement". He read in to the record that Section 4.20.210 (the second sentence) "the franchisee shall temporarily or permanently move or relocate its facilities within right-of-way pursuant to City's lease powers." He noted that he referred to the particular sections and specifically had read them at the last meeting. He read an addition to section 4.20.250 in to the record as "other than those paying a privilege tax under ORS 221.515." He noted that on 4.20.270 the word "co-insured" was deleted and in lieu of that the word "the City shall be an additional insured as to liability arising out of activity performed" was added. He commented that GTE and US West had communicated with staff and were comfortable with the ordinance covering their concerns.

Coun. Soth MOVED, SECONDED by Coun. Yuen that the amendments as read by Pilliod to AB 99-80 be approved. Couns. Soth, Yuen, Stanton and Doyle voting AYE, motion CARRIED unanimously. (4:0)

Pilliod read the following ordinances for the second time by title only:

99-80 An Ordinance Amending the Beaverton Code By Adding New Provisions to Chapter Four Relating to Telecommunications Service Providers

Coun. Soth MOVED, SECONDED by Coun. Yuen, that the ordinance and amendments in AB 99-80 now pass. Couns. Soth, Yuen, Doyle and Stanton voting AYE, motion CARRIED unanimously. (4:0)

Pilliod read the following ordinance for the second time by title only:

99-111 An Ordinance Amending Ordinances Nos. 3974 and 3988, Modifying Rezone 960008 and 970001 Decisions by Removing the Condition that Restricts Retail Trade; RZ980023 (Corridor Court Modify Rezone); APP 99005

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in AB 99-111, now pass. Roll call vote. Couns. Soth, Doyle and Stanton voting AYE, Coun. Yuen voting NAY, motion CARRIED, (3:1)

Coun. Stanton said she would like consensus from Council that City Recorder Darleen Cogburn (when there was a preponderance of paper) have a list of items rather than the actual pieces of paper.

Coun. Doyle agreed and explained Coun. Stanton was talking about the letters sent to Council on the pros and cons of smoking and any future issues where there was a large amount correspondence or paperwork. He noted that the originals were available in the City Recorder's office as part of the public record. He stated he fully supported the idea.

Coun. Stanton said that unless correspondence was marked personal or confidential, the City Recorder and her staff had permission to open it on her behalf.

Coun. Yuen commented that the City Recorder was very conscientious and wanted to make sure that the material given to Council was representative of all materials.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle that the Council move into executive session In accordance with ORS 192.660 (1) (h), to discuss the legal rights and duties of the governing body with regard to litigation or litigation like to be filed. Couns. Soth, Doyle, Stanton and Yuen voting AYE, motion CARRIED unanimously. (4:0)

Executive session convened at 8:20 p.m.

Executive session adjourned at 8:43 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:44 p.m.

Darleen Cogburn, City Recorder

APPROVAL:

Approved this 16th day of August, 1999

Rob Drake, Mayor